

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION
SUMMARY SUIT NO.1957 OF 2004**

Textelo Engineering Works .. Plaintiff

versus

Rafiq H.Rajani .. Defendant

...

Mr.Bharat Joshi for Plaintiff.

CORAM : D.G. KARNIK, J

DATED : 7th March 2005.

P.C:-

1. Heard learned counsel for the plaintiff. The plaintiff has filed on record the affidavit of service and also the compilation of documents. The documents are taken on record and marked A for identification.

2. Despite service of the writ of summons the defendant has not filed an appearance. In the circumstances, the plaintiff is entitled to a decree under order 37 Rule 2 (3) of the Code of Civil Procedure.

3. I have perused the plaint and also the documents filed on record. The defendant placed written orders on the plaintiff. The plaintiff supplied the goods and sent the invoices. Delivery challans are signed by the representative of the defendant. The plaintiff also sent a demand notice to the defendant on 10th August, 2002. Though by a reply to the legal notice the defendant denied the receipt of the goods and placing of the order he has chosen not to appear in response to the writ of summons served on him. In the circumstances, the plaintiff is entitled to a decree under order 37 Rule 2(3) of the Code of Civil Procedure. Hence, I pass the following order :

" The defendant shall pay Rs.76,000/- to the plaintiff together with interest at 9 % p.a. from the date of the suit till payment and all costs of the suit. Court fee refund as per rules."

D.G.KARNIK, J